

PTO/SB/33 (07-05)

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PRE-APPEAL BRIEF REQUEST FOR REVIEW

Docket Number (Optional)

024827-2701

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On March 26, 2007

Signature

Typed or printed name

Application Number

10/600,295

Filed

6/20/2003

First Named Inventor

John Wu

Art Unit

2616

Examiner

Anh Vu H Ly

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Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

I am the

☐ applicant/inventor.

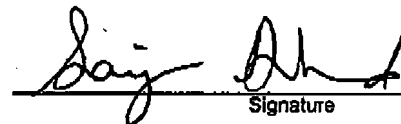
☐ assignee of record of the entire interest.
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/98)

☒ attorney or agent of record.

Registration number 51,182

☐ attorney or agent acting under 37 CFR 1.34.

Registration number if acting under 37 CFR 1.34


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Telephone Number

March 26, 2007

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

☒ Total of 1 forms are submitted.

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.8. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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NO. 7076 P. 6/10

APR 23 2007

Atty. Dkt. No. 024827-2701

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: John Wu
Title: SYSTEMS AND METHODS
FOR REGISTERING A CLIENT
DEVICE IN A DATA
COMMUNICATION SYSTEM
Appl. No.: 10/600,295
Filing Date: 6/20/2003
Examiner: Anh Vu H Ly
Art Unit: 2616

CERTIFICATE OF FACSIMILE TRANSMISSION I hereby certify that this paper is being facsimile transmitted to the United States Patent and Trademark Office, Alexandria, Virginia on the date below. Julienne P. Buttl (Printed Name) (Signature) 4/23/07 (Date of Deposit)

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In accordance with the New Pre-Appeal Brief Conference Pilot Program, announced July 11, 2005, this Pre-Appeal Brief Request is being filed together with a Notice of Appeal.

REMARKS

Claims 1-10, 14-24, and 39-47 were rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent Publication No. 2002/0089968, in the name of Johansson in view of U.S. Patent Publication No. 2004/0136358, in the name of Hind. Claims 13 and 25-38 were rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Johansson in view of U.S. Patent Publication No. 205/0050148 A1, in the name of Mohammadioun. Claims 48-50 were

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rejected under 35 U.S.C. §103 (a) as allegedly being unpatentable over Johansson combined with Hind in view of U.S. Patent No. 6,866,587 B1, in the name of Lane.

Embodiments of the present invention provide for obtaining, tracking and maintaining a packet switched network address of client devices capable of packet switched communication with the network. In this regard, the specification of the present application discloses:

Protocol 422 depicts a notification protocol, which can be used whenever client device 10a is informed that it has acquired a new packet data network address. For example, if client device 10a is moved from one zone of service to another, the associated network or networks can assign a new packet data network address when client device 10a transitions between zones. Alternatively, upon expiration of a client device's DHCP lease, a new packet data network address can be issued if client device 10a initiates a DHCP renewal. In such instances, a message 404 can be sent from client device 10a to central authority 12 over packet switched data link 16a. The message can comprise the new packet data network address of client device 10a. Central authority 12 can be configured to then reregister the new packet data network address of client device 10a.

See Specification, Paragraph 43.

Accordingly, independent claim 1 recites a client device configured "to send a new packet switched registration message whenever the packet switched data network assigns the client device a new packet switched network address." Independent claims 13, 25 and 39 recite similar features.

First, Applicant notes that the Office Action cites a combination of references which includes nonanalogous art without any indication of a motivation to combine such art with the other references. Specifically, the Johansson reference relates to determining the radio transferring capabilities of a receiving GPRS station before sending packet data to the GPRS station so that the data can be tailored to the specific receiving capabilities of the receiver, such as multi-slot capability, quality of service of provided by the network to the receiver, radio

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priority allocated to the receiver, etc. The Johansson et al reference deals exclusively with an initial setup situation and is completely silent regarding activities that occur after a connection has been established. The Examiner admits that Johansson reference fails to teach or suggest that the client device sends a new packet switched registration message whenever the packet switched data network assigns the client device a new packet switched network address. That is because the Johansson reference is not concerned with the problems solved by the subject application, namely obtaining, tracking and maintaining the packet switched network address of client devices capable of packet switched communication with the network. Thus, the Johansson reference constitutes nonanalogous art.

The Johansson reference is not properly combinable with the other cited references as neither it nor the other cited references even recognize the problem solved by the subject application. As such, one of ordinary skill in the art would not be motivated to combine the teachings of the cited references to build a communication system or client device or use the methods disclosed and claimed in the subject application.

Second, even if the references are analogous and could be combined, the references, either alone or in combination, fail to teach or suggest each limitation of the claimed invention. Specifically, each reference fails to teach or suggest a client device configured to send a packet switched network address whenever the packet switched data network assigns the client device a new packet switched network address.

The Office Action cites Hind as disclosing this feature. Applicant respectfully disagrees with this interpretation of Hind. Hind relates to the pushing of information from a host to wireless devices. When the network wishes to connect to the mobile device, it transmits a command via a parallel voice network and waits for the mobile device to contact the data network. The mobile device then requests a network address. See Hind, Abstract. Nowhere does Hind teach or suggest a client device configured "to send a new packet switched registration message whenever the packet switched data network assigns the client device a new packet switched network address."

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Since none of the cited references teach or suggest at least this feature of the present invention, the Office Action fails to establish a prima facie case of obviousness. Accordingly, the claims are patentable.

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance.

Respectfully submitted,

Date April 23, 2007

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